

# EXHIBIT 49

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DOROTHY FORTH, DONNA BAILEY,  
LISA BULLARD, RICARDO GONZALES,  
CYNTHIA RUSSO, TROY TERMINE,  
INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS LOCAL 38  
HEALTH AND WELFARE FUND,  
INTERNATIONAL UNION OF  
OPERATING ENGINEERS LOCAL 295-  
295C WELFARE FUND, AND  
STEAMFITTERS FUND LOCAL 439, on  
Behalf of Themselves and All Others Similarly  
Situated,

Civil No. 17-cv-2246

Judge John Z. Lee

Magistrate Judge Sheila Finnegan

Plaintiffs,

v.

WALGREEN CO.,

Defendant.

**PLAINTIFFS' SECOND AMENDED RESPONSES AND OBJECTIONS TO  
DEFENDANT'S SECOND SET OF INTERROGATORIES**

Pursuant to the Federal Rules of Civil Procedure and the Local Rules for the Northern District of Illinois, Plaintiffs Dorothy Forth (“Forth”), Lisa Bullard (“Bullard”), Ricardo Gonzales (“Gonzales”), and Cynthia Russo (“Russo”) (collectively, “Individual Plaintiffs”), International Brotherhood of Electrical Workers Local 38 Health and Welfare Fund (“IBEW”), International Union of Operating Engineers Local 295-295c Welfare Fund (“Local 295”), and Steamfitters Fund Local 439 (“Steamfitters Local”) (collectively, “Union Plaintiffs”) (together with Individual Plaintiffs, “Plaintiffs”) hereby submit their objections and responses (“Responses”) to Defendant Walgreen Co.’s (“Walgreens” or “Defendant”) Second Set of Interrogatories (“Interrogatories”) as follows:

of hard-copy and electronic documents other than, or in addition to, the terms and requirements set forth in the Agreed Confidentiality Order [ECF No. 79] and Stipulation and Order Establishing the Protocol for the Production of Documents and Electronically Stored Information (“ESI”) [ECF No. 92] agreed to by the parties, and entered by the Court, in this action.

6. Plaintiffs object to the definition of the term “document,” as it is beyond the scope of the definition provided in the Federal Rules of Civil Procedure.

7. Plaintiffs object to the definition of the terms “You” and “Your,” as the definition includes “attorneys” of Plaintiffs IBEW, Local 295, and/or Steamfitters Local, and thus, seeks information protected from disclosure by the attorney-client privilege and the work-product doctrine.

### **SPECIFIC RESPONSES AND OBJECTIONS**

#### **INTERROGATORY NO. 5:**

For each Plaintiff, including each Individual Plaintiff and each Union Plaintiff, identify the date of that Plaintiff’s first communication with any law firm about the claims at issue in the case, and the name of the firm.

#### **RESPONSE TO INTERROGATORY NO. 5:**

1. Plaintiff Bullard: May 10, 2017 – Tusa P.C.
2. Plaintiff Russo: December 14, 2016 – Tusa P.C.
3. Plaintiff Termine: August 2016 – Brandner Law Firm, LLC.
4. Plaintiff Forth: February 1, 2017 – Whitfield Bryson & Mason LLP.
5. Plaintiff Gonzales: February 24, 2017 – Halunen Law.
6. Plaintiff Steamfitters Local: November 7, 2017 – Cates Mahoney, LLC.
7. Plaintiff IBEW: December 21, 2016 – Scott + Scott Attorneys at Law LLP.

8. Plaintiff Local 295: September 2017 – Robbins Geller Rudman & Dowd LLP.

INTERROGATORY NO. 6:

For each Individual Plaintiff, and for each year during the Relevant Time Period, identify whether the Individual Plaintiff's insurance coverage contained an annual maximum out-of-pocket limit that applied to only prescription drug costs or all medical costs, including prescription-drug costs, and if such a maximum out-of-pocket limit did exist, identify the amount of the maximum out-of-pocket limit and whether the Individual Plaintiff reached the maximum out-of-pocket limit.

RESPONSE TO INTERROGATORY NO. 6:

Individual Plaintiffs object to this Interrogatory to the extent it seeks information concerning Individual Plaintiffs' insurance coverage unrelated to prescription drug costs and claims as seeking information not relevant to any claim or defense at issue in this action. Individual Plaintiffs further object to this Interrogatory because it is inappropriately worded as a three-part compound request under the guise of a single interrogatory, which does not comply with Fed. R. Civ. P. 33. Individual Plaintiffs further object to this Interrogatory because it seeks information that is unduly burdensome for Plaintiffs to obtain and that is already in Walgreens' possession in the form of responses stored in, among others, the data fields tbf0\_thrd\_pty\_dl\_msg and inbound\_msg, and the data fields that are associated with, among others, NCPDP codes 263, 264, 284, 520-FK, 601-44, 652-S3, 691-ZH, 952-GZ, 953-HP.

Subject to and without waiving this objection, pursuant to Fed. R. Civ. P 33(d), Individual Plaintiffs direct Defendant to the Individual Plaintiffs' insurance plan documents that have previously been produced to Defendant in this case.

Dated: April 3, 2019

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*Additional Counsel for Plaintiffs*

**VERIFICATION**

Pursuant to Federal Rule of Civil Procedure 33, I hereby verify that the responses contained in Plaintiffs' Responses and Objections to Defendant Walgreen Co.'s Second Set of Interrogatories, as those responses pertain to Lisa Bullard and her claims, exclusive of any objections, are accurate to the best of my current knowledge.

Date: March 13, 2019

  
LISA BULLARD

**VERIFICATION**

Pursuant to Federal Rule of Civil Procedure 33, I hereby verify that the responses contained in Plaintiffs' Responses and Objections to Defendant Walgreen Co.'s Second Set of Interrogatories, as those responses pertain to Dorothy Forth and her claims, exclusive of any objections, are accurate to the best of my current knowledge.

Date: March 21, 2019

  
DOROTHY FORTH

VERIFICATION

Pursuant to Federal Rule of Civil Procedure 33, I hereby verify that the responses contained in Plaintiffs' Responses and Objections to Defendant Walgreen Co.'s Second Set of Interrogatories, as those responses pertain to Ricardo Gonzales and his claims, exclusive of any objections, are accurate to the best of my current knowledge.

Date: March 13, 2019

  
RICARDO GONZALES

VERIFICATION

Pursuant to Federal Rule of Civil Procedure 33, I hereby verify that the responses contained in Plaintiffs' Responses and Objections to Defendant Walgreen Co.'s Set of Interrogatories, as those responses pertain to Cynthia Russo and her claim, exclusive of any objections, are accurate to the best of my current knowledge.

Date: March 21, 2019

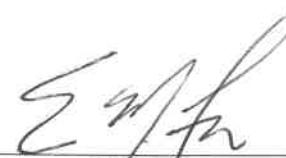
  
\_\_\_\_\_  
CYNTHIA RUSSO



**VERIFICATION**

Pursuant to Federal Rule of Civil Procedure 33, I hereby verify that the responses contained in Plaintiffs' Responses and Objections to Defendant Walgreen Co.'s Second Set of Interrogatories, as those responses pertain to International Brotherhood of Electrical Workers Local 38 Health and Welfare Fund and its claims, exclusive of any objections, are accurate to the best of my current knowledge.

Date: March 14, 2019



Edward M. Fox  
Fund Administrator  
IBEW Local 38 Health &  
Welfare Fund, Plaintiff

**VERIFICATION**

Pursuant to Federal Rule of Civil Procedure 33, I hereby verify that the responses contained in Plaintiffs' Responses and Objections to Defendant Walgreen Co.'s Second Set of Interrogatories, as those responses pertain to International Union of Operating Engineers Local 295-295c and its claims, exclusive of any objections, are accurate to the best of my current knowledge.

Date: March 18, 2019

  
ANGELO CORDISCO

**VERIFICATION**

Pursuant to Federal Rule of Civil Procedure 33, I hereby verify that the responses contained in Plaintiffs' Responses and Objections to Defendant Walgreen Co.'s Second Set of Interrogatories, as those responses pertain to Steamfitters Fund Local 439 and its claims, exclusive of any objections, are accurate to the best of my current knowledge.

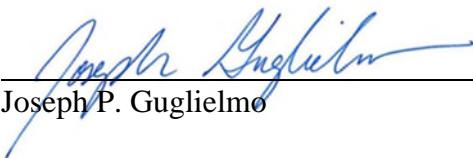
Date: March 18, 2019

  
CHARLES BAILEY

**CERTIFICATE OF SERVICE**

I, Joseph P. Guglielmo, an attorney, hereby certify that the foregoing was served upon the parties below on April 3, 2019, by email and by mailing a copy thereof to the address indicated below with the proper postage attached and deposited in an official depository under the exclusive care and custody of the United States Postal Service.

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